

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

17CV 5248

J'min Atiba Ward

(In the space above enter the full name(s) of the plaintiff(s).)

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COMPLAINT

under the
Civil Rights Act, 42 U.S.C. § 1983
(Prisoner Complaint)Jury Trial: ☐ Yes ☒ No
(check one)-against-
City of Middletown
[REDACTED] Police Department
(John Doe's and officer Eric J.
Harget Shield 1237)Orange County Sheriff's Office
Special Operations Group (S.O.-G)
(John Doe's)

(In the space above enter the full name(s) of the defendant(s). If you cannot fit the names of all of the defendants in the space provided, please write "see attached" in the space above and attach an additional sheet of paper with the full list of names. The names listed in the above caption must be identical to those contained in Part I. Addresses should not be included here.)

I. Parties in this complaint:

- A. List your name, identification number, and the name and address of your current place of confinement. Do the same for any additional plaintiffs named. Attach additional sheets of paper as necessary.

Plaintiff

Name J'min Atiba WardID # 2017-01851Current Institution Orange County JailAddress 110 Wells Farm Road
Goshen, NY 10924

- B. List all defendants' names, positions, places of employment, and the address where each defendant may be served. Make sure that the defendant(s) listed below are identical to those contained in the above caption. Attach additional sheets of paper as necessary.

Defendant No. 1

Name Eric J HargetShield # 1237Where Currently Employed Middletown Police Dept.Address 2 John St.Middletown, NY 10940

Defendant No. 2

Name John Doe's (Officers) Shield # _____
 Where Currently Employed Middletown Police Department
 Address 2 John St.
Middletown, NY 10940

Defendant No. 3

Name John Doe's (Officers) Shield # _____
 Where Currently Employed Middletown Police Department
 Address 2 John St.
Middletown, NY 10940

Defendant No. 4

Name John Doe's (Undersheriff) (Deputy) (Sheriff) Shield # _____
 Where Currently Employed Orange County Sheriff's Office
 Address 110 Wells Farm
Goshen, NY 10924

Defendant No. 5

Name John Doe's (Correctional Officer) Shield # _____
 Where Currently Employed Orange County Jail
 Address 110 Wells Farm
Goshen, NY 10924

II. Statement of Claim:

State as briefly as possible the facts of your case. Describe how each of the defendants named in the caption of this complaint is involved in this action, along with the dates and locations of all relevant events. You may wish to include further details such as the names of other persons involved in the events giving rise to your claims. Do not cite any cases or statutes. If you intend to allege a number of related claims, number and set forth each claim in a separate paragraph. Attach additional sheets of paper as necessary.

A. In what institution did the events giving rise to your claim(s) occur?

Events happened at my home and lead to arrest.

B. Where in the institution did the events giving rise to your claim(s) occur?

Events happened at my home and lead to arrest

C. What date and approximate time did the events giving rise to your claim(s) occur?

April 20, 2017 5:00 AM

4th Amendment (U.S.C.A)

NY Suppression Manual ch. 9 Search Warrant

Defense of Narcotics cases Vol. 1 ch. 3B Searches Pursuant to Warrants

NYS 2d & NYS 3d

Mckinney v. S CPL



COPY

SEARCH WARRANT

690.05 thru 690.55

CITY OF MIDDLETOWN)

COUNTY OF ORANGE) SS

CITY OF MIDDLETOWN CITY COURT

STATE OF NEW YORK)

[Pursuant to Section 690 of the C.P.L.]

HONORABLE JUDGE BROCKETT, ISSUING JUDGE

TO ANY POLICE OFFICER OF THE CITY OF MIDDLETOWN POLICE DEPARTMENT, ANY POLICE OFFICER, ANY MEMBER OF THE ORANGE COUNTY SHERIFF'S OFFICE SPECIAL OPERATIONS GROUP AND THE NEW YORK STATE POLICE:

YOU ARE HEREBY AUTHORIZED AND DIRECTED TO SEARCH FOR AND SEIZE THE FOLLOWING PROPERTY:

Controlled Substances in violation of sections 220.00 of the New York State Penal Law and any evidence that tends to demonstrate that a drug related offense was committed or that a particular person participated in the commission of such offense, to include written records, books and computer records tending to show sale, and trafficking of controlled substances and money showing profits from the sale of controlled substances, safe deposit box records and keys, records, ledgers, notes or other writings reflecting deposit, withdrawal, investment, custody or location of money, real property, personal property or other financial transactions, records, ledgers notes or other writing reflecting ownership of said property, records reflecting the names, addresses and telephone numbers of persons from whom controlled substances are purchased and sold, including but not limited to, address and telephone books, including those contained in cellular telephones or Personal Data Assistants and telephone bills; all records ledgers, notes or other writings reflecting income earned and reported to the Internal Revenue Service or other taxing agencies; Authorize the analysis and seizure of any safes, lock boxes, briefcases or any like containers used for storage, pagers, scanners, video surveillance equipment and cellular phones and other mobile communication devices; indicia of occupancy, residency and/or ownership of the described premises, including but not limited to, utility and telephone bills, canceled envelopes, keys, deeds and mortgages; photographs and video tapes that depict individuals involved in controlled substance violations and/or photographs to assist in helping identify drug traffickers and their associates including undeveloped rolls of film and disposable cameras; also any firearms, illegal weapons and ammunition found therein, pursuant to Section 690.10.(2)(3)(4) of the New York State Criminal Procedure Law.

YOU ARE THEREFORE COMMANDED AT ANYTIME OF THE DAY OR NIGHT, TO SEARCH THE FOLLOWING PREMISE, PERSON(S) AND VEHICLES:

PREMISES: 41 WOODLAKE DRIVE, CITY OF MIDDLETOWN, COUNTY OF ORANGE, STATE OF NEW YORK, Which is located on Woodlake Drive between Brickpond Road and Phillips Street in the Spring Hollow condominium complex in the City of Middletown. The structure is a single-family residence with two main floors and an attic area. The structure is yellow in color with a gray roof. The front door of the premises is white in color. There is a "41" affixed to the house, to the left of the front entrance door. The search warrant is to include the entire dwelling and its curtilage, including any storage areas, sheds, and/or garages associated with the target premises. See attached photograph of the exterior of the target premises in exhibit "A."

THE PERSON(s) DESCRIBED AS: Target #1- A black male who was identified as Jmin A. Ward having a date of birth of April 26, 1981. Target #1 is further identified as a male approximately 5'09" who weighs approximately 240 pounds. Target #1 has a Social Security number of 129-70-9731, a NYSID number of 08928006H as well as a NY DLIC #506206993.

VEHICLE: A White 2011 Ford Explorer bearing NYS Registration GJW1257, Vehicle Identification Number: 1FMHK8F83BGA74804.

THIS COURT HEREBY DETERMINES THAT ADEQUATE GROUNDS EXIST FOR AUTHORIZING THE EXECUTING OFFICERS TO ENTER INTO SAID PREMISES AT ANYTIME OF THE DAY OR NIGHT. SAID PREMISES TO BE SEARCHED WITHOUT GIVING NOTICE OF HIS AUTHORITY AND PURPOSE AND, IF YOU FIND ANY SUCH PROPERTY OR ANY PART THEREOF, A SEARCH WARRANT RETURN IS TO BE MADE TO ME, LISTING AND IDENTIFYING THE PROPERTY SEIZED, WHICH I FURTHER DIRECT BE SAFEGUARDED BY YOUR DEPARTMENT. ANY AND ALL SUBJECTS LOCATED INSIDE THE TARGET RESIDENCE CAN BE DETAINED AND HELD UNTIL COMPLETION OF THE EXECUTION OF THIS SEARCH WARRANT.

Dated in the City of Middletown, New York

This 18th day of April, 2017 at 9:05am

690.25
690.20
690.40
690.05

Who asked for warrant, me cannot brain for the thing, have case as an CPL to back it claim

690.15(2)
690.36
690.
Must have substantial knowledge of occupancies before my hyper-invasion

690.45
J.S.S. notified after

NY Wife and kids we moved up by in point are detained until full search is done, 2, 7, 10

such a provision must be supported by allegations showing a "substantial probability" that all subjects

690.35(3)

Blanket Search

690.15(2)
690.45

fear of safety of officers? Must prove offer will be in harm way, on 2h knowledge at scene

What happened to you?

Who did what?

Was anyone else involved?

Who else saw what happened?

D. Facts: On April 20, 2017 Middletown Police Officers and Orange County Sheriff's Office Special Operations Group executed a Hyper intrusive, No-knock anytime Warrant at 5:00 AM at my family's home (wife and 3 daughters age (2)(7)(10)) Knocking down front door with guns drawn and using profanity scaring my wife and kids. The Warrant violated my (4th) (5th) and (14th) amendments. My family was cursed at and ~~round~~ rounded up by the Special Operations Group which consisted of Correctional officers in part of the Group Pursuant to CPL 2.10-(25) "Peace Officers" CPL 2.20 states "peace officers" only have the power to make "warrantless" arrest and Warrantless Searches that are "Constitutional". The Warrant was ~~typed~~ typed up by Officer Eric J. Harget stating "ANY MEMBER" of the Special Operations Group. Officer Eric J. Harget obtained Warrant and it was issued, authorized and addressed directly to Middletown Police Department and "ANY MEMBER" of the Special Operations Group who are part "Peace Officers" in violation of CPL 690.05 and 690.25, They tossed my family's home upside down, kids rooms and all with illegal "blanket Search" - indiscriminate rummaging through all my families

III. Injuries: Personal belongings. CPL 690.40 mandates that warrant be read back to judge so no constitution Amendments are violated.

If you sustained injuries related to the events alleged above, describe them and state what medical treatment, if any, you required and received. My family's spirit and pride was injured due to the unlawful and unconstitutional Search

Warrant. My family has been humiliated by aggressive officers and terrified of guns in their face. My family now goes to church (St. Patrick's, Highland Mills, NY 10930) Every Sunday and my girls are currently in Vacation Bible school 5 times a week.

IV. Exhaustion of Administrative Remedies:

The Prison Litigation Reform Act ("PLRA"), 42 U.S.C. § 1997e(a), requires that "[n]o action shall be brought with respect to prison conditions under section 1983 of this title, or any other Federal law, by a prisoner confined in any jail, prison, or other correctional facility until such administrative remedies as are available are exhausted." Administrative remedies are also known as grievance procedures.

A. Did your claim(s) arise while you were confined in a jail, prison, or other correctional facility?

Yes ☐ No ☒

If YES, name the jail, prison, or other correctional facility where you were confined at the time of the events giving rise to your claim(s). N/A

B. Does the jail, prison or other correctional facility where your claim(s) arose have a grievance procedure?

Yes N/A No N/A Do Not Know N/A

C. Does the grievance procedure at the jail, prison or other correctional facility where your claim(s) arose cover some or all of your claim(s)?

Yes N/A No N/A Do Not Know N/A

If YES, which claim(s)? N/A

D. Did you file a grievance in the jail, prison, or other correctional facility where your claim(s) arose?

Yes N/A No N/A

If NO, did you file a grievance about the events described in this complaint at any other jail, prison, or other correctional facility?

Yes N/A No N/A

E. If you did file a grievance, about the events described in this complaint, where did you file the grievance? N/A

1. Which claim(s) in this complaint did you grieve? N/A

2. What was the result, if any? N/A

3. What steps, if any, did you take to appeal that decision? Describe all efforts to appeal to the highest level of the grievance process. N/A

F. If you did not file a grievance:

1. If there are any reasons why you did not file a grievance, state them here: Events happened at my home and lead to arrest

2. If you did not file a grievance but informed any officials of your claim, state who you informed,

when and how, and their response, if any: Never Informed anyone

G. Please set forth any additional information that is relevant to the exhaustion of your administrative remedies.

N/A

Note: You may attach as exhibits to this complaint any documents related to the exhaustion of your administrative remedies.

V. Relief:

State what you want the Court to do for you (including the amount of monetary compensation, if any, that you are seeking and the basis for such amount). Monetary Compensation in the amount of \$2,000,000 for my wife for distraught and mental pain and humiliation, \$2,000,000 for my daughter Jayla M. Ward (10 years old) for distraught and mental pain and minor PTSD and college fund, \$2,000,000 for my daughter Julianna E. Ward (7 years old) for minor PTSD distraught and college fund \$2,000,000 for my daughter Jordan A. Ward for minor PTSD, distraught and college fund \$2,000,000 for Me (Timin Ward) for humiliation, mental pain and distraught, minor PTSD and decamation of my whole family's character from article in news paper that enclosed a picture that was seen by my kids school, my kid daycare, my kid's karate school, my wife's job, and the job I was interviewing for 2 days after incident. Sum of \$10,000,000 - GOD Bless You

VI. Previous lawsuits:

A. Have you filed other lawsuits in state or federal court dealing with the same facts involved in this action?

Yes ☐ No ☒

On
these
claims

B. If your answer to A is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another sheet of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff

Defendants

2. Court (if federal court, name the district; if state court, name the county)

3. Docket or Index number N/A

4. Name of Judge assigned to your case N/A

5. Approximate date of filing lawsuit

6. Is the case still pending? Yes NA No NA

If NO, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) N/A

On
other
claims

C. Have you filed other lawsuits in state or federal court otherwise relating to your imprisonment?
Yes No ☒

Yes _____ No ✓

D. If your answer to C is YES, describe each lawsuit by answering questions 1 through 7 below. (If there is more than one lawsuit, describe the additional lawsuits on another piece of paper, using the same format.)

1. Parties to the previous lawsuit:

Plaintiff

Defendants

2. Court (if federal court, name the district; if state court, name the county)

3. Docket or Index number

4. Name of Judge assigned to your case

5. Approximate date of filing lawsuit

6. Is the case still pending? Yes _____ No _____

If NO, give the approximate date of disposition

7. What was the result of the case? (For example: Was the case dismissed? Was there judgment in your favor? Was the case appealed?) _____

in your favor? Was the case appealed?)

I declare under penalty of perjury that the foregoing is true and correct.

Signed this 6 day of July, 2017.

Signature of Plaintiff

J. J.

Inmate Number

2017-01851

Institution Address

110 Wells Farm Rd

Goshen, NY 10924

Note: All plaintiffs named in the caption of the complaint must date and sign the complaint and provide their inmate numbers and addresses.

I declare under penalty of perjury that on this _____ day of _____, 2017 I am delivering this complaint to prison authorities to be mailed to the *Pro Se* Office of the United States District Court for the Southern District of New York.

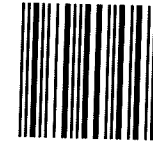
Signature of Plaintiff:

J. J.

John Ward
11 Jackson Street
Highland Mills NY 10930



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